

3/20/95 VACATION OF UTILITY EASEMENT  
Lot 2, Blk 1, South White Oaks  
Addition (4609 W. 48th Street)



City of Edina

April 4, 1995

Mr. Jerome P. Gilligan  
Dorsey & Whitney  
220 South Sixth Street  
Minneapolis MN 55402-1498

Re: Notice of Completion of Proceedings  
Vacation of Utility and Drainage Easement  
Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
(4009 West 48th Street)

Dear Jerry:

Enclosed are two certified copies of Notice of Completion of Proceedings for the above referenced easement vacation which have been revised per request of Hennepin County Recorder's office.

Please have the Notice of Completion entered into the transfer record of the County Auditor and filed with the County Recorder and then return the recorded document to me.

Sincerely,

*Marcella M. Daehn*

Marcella M. Daehn  
City Clerk

enclosures (2)



City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR UTILITY AND DRAINAGE PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on March 20, 1995, adopted a Resolution Vacating Utility and Drainage Easement after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

The east five feet of Lot 2, Block 1, SOUTH WHITE OAKS ADDITION,  
according to the recorded plat thereof, Hennepin County, Minnesota.

The time of completion of proceedings and the effective date of said vacation is  
March 21, 1995.

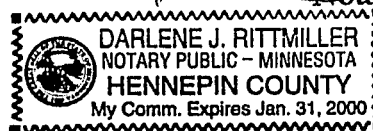
BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

*Marcella M. Daehn*

Marcella M. Daehn  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota,  
County of Hennepin, this 4<sup>th</sup> day of April, 1995.

*Darlene J. Rittmiller*  
Notary Public



This document was drafted by:

City of Edina  
4801 West 50th Street  
Edina MN 55424

# DORSEY & WHITNEY

Dated 3/27/95

TO: Jerry Gilligan

FROM: DeEtt Allen

Matter South White Oaks Addn

Our File No. 94802:168

Your File No. \_\_\_\_\_

- |  |   |
|--|---|
| <input type="checkbox"/> For Filing                      | <input type="checkbox"/> For Your Comments              |
| <input type="checkbox"/> Please Return Copy              | <input type="checkbox"/> Per Request                    |
| <input type="checkbox"/> For Your Signature              | <input type="checkbox"/> Per Conversation               |
| <input checked="" type="checkbox"/> For Your Information | <input type="checkbox"/> Please See Me                  |
| <input type="checkbox"/> For Your Approval               | <input type="checkbox"/> Would Like to Discuss With You |

## COMMENTS:

The County rejected this. They are requiring an acknowledgment & drafted by statement or a "certified copy" from the City. I don't understand the last part, but in any event, can you have this revised?

Thanks, DeEtt

By:

**NOTICE OF COMPLETION OF PROCEEDINGS  
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BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

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Marcella M. Daehn  
City Clerk

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BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

\_\_\_\_\_  
Marcella M. Daehn  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of \_\_\_\_\_,  
County of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Notary Public

This document was drafted by:

City of Edina  
4801 West 50th Street  
Edina MN 55424



TRANSFER ENTERED  
HENNEPIN COUNTY TAXPAYER SERVICES

6414106

APR 6 1995

Original Document filed in  
Engineering Dept.

HENNEPIN COUNTY MINN.  
BY [Signature] DEPUTY

City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
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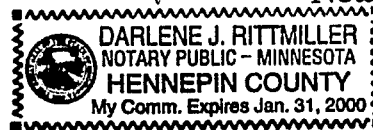
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March 21, 1995.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

[Signature]  
Marcella M. Daehn  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota,  
County of Hennepin, this 4<sup>th</sup> day of April, 1995.

[Signature]  
Notary Public



This document was drafted by:

City of Edina  
4801 West 50th Street  
Edina MN 55424

30

6414106

6APR9513:07 06414106 SCD \$4.50  
6APR9513:07 06414106 DDC \$16.00

OFFICE OF REALTY RECORDER  
HENRI MINNESOTA

CERTIFIED FILED AND OR  
RECORDED ON

1995 APR -6 PM 1:06

AS DEPOSED

6414106

*John G. Carlson*

CO. RECORDER

DEPUTY

*[Signature]*

REC FEE

15

POSTAGE

1

PAID 4/11/95

Deputy, Minn.





City of Edina

**NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENT FOR UTILITY AND DRAINAGE PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

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March 21, 1995.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

*Marcella M. Daehn*

Marcella M. Daehn  
City Clerk



City of Edina

March 22, 1995

Mr. Jerome P. Gilligan  
Dorsey & Whitney  
220 South Sixth Street  
Minneapolis MN 55402-1498

Re: Notice of Completion of Proceedings  
Vacation of Utility and Drainage Easement  
Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
(4009 West 48th Street)

Dear Jerry:

Enclosed are two certified copies of Notice of Completion of Proceedings for the above referenced easement vacation which was granted by the Edina City Council on March 20, 1995.

Please have the Notice of Completion entered into the transfer record of the County Auditor and filed with the County Recorder and then return the recorded document to me.

Sincerely,

A handwritten signature in cursive script that reads "Marcella M. Daehn".

Marcella M. Daehn  
City Clerk

enclosures (2)

bcc: William H. Kaiser  
5912 Oaklawn Av  
Edina MN 55435

Room 235  
5910 Shingle Creek Parkway  
Brooklyn Center, MN 55430  
March 20, 1995

City Clerk  
City of Edina  
4801 West 50th Street  
Edina, MN 55424

Re: Lot 2, Block 1  
South White Oaks Addition

Presently U S WEST Communications does not have any facilities which will affect this vacation. Therefore, we would have no objection to the vacation of said easement.

If you have any questions, feel free to call me.

*Ron W. Tombarge*

Ron W. Tombarge  
Engineer - LNO  
(612) 569-2012



City of Edina

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 20, 1995, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following utility and drainage easement:

The east five feet of Lot 2, Block 1, SOUTH WHITE OAKS ADDITION,  
according to the recorded plat thereof, Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

02/24/95

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

PUBLIC RIGHT OF WAY VACATION APPLICATION

Date Initiated Feb. 1, 1995

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way:

       Street        Alley        ☒ Utility Easement  
☒ Drainage Easement        Other     
(describe)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water?   

Legal description of area proposed to be vacated:

East 5 feet of Lot 2, Block 1, "South White Oaks Addition", according to the  
recorded plat thereof, Hennepin County, Minnesota.

\* ~~Lot 21, except the East 35 feet thereof, "White Oaks 4th Addition", according~~  
~~to the recorded plat thereof, Hennepin County, Minnesota.~~

Attached copy of **scaled drawing** showing in full detail the proposed vacation area.

Applicant

William H. Kaiser  
(print name)

Signature

William H. Kaiser

Address

4009 W. 48<sup>th</sup> St.

Telephone

5912 Oaklawn Ave  
920-8367

Fee: \$100.00

3800

M.S. 412.851

\* Per telephone conversation with Georgia Kaiser on 2/7/95 only the east five feet of Lot 2, Block 1, "South White Oaks Addition" is to be vacated. (924-8758)

File No.: P 2450263

Amount: \$1,735.42

We require satisfaction or affidavit of non-identity in recordable form.

22. Possible encroachment of building onto 5 foot utility and drainage easement as created in Document Nos. 306245 and 306246.

(See Endorsement No. 1)

23. Easement for utility and drainage purposes over the easterly 5 feet and the easterly 5 feet of the westerly 10 feet as created in Document Nos. 306245 and 306246.

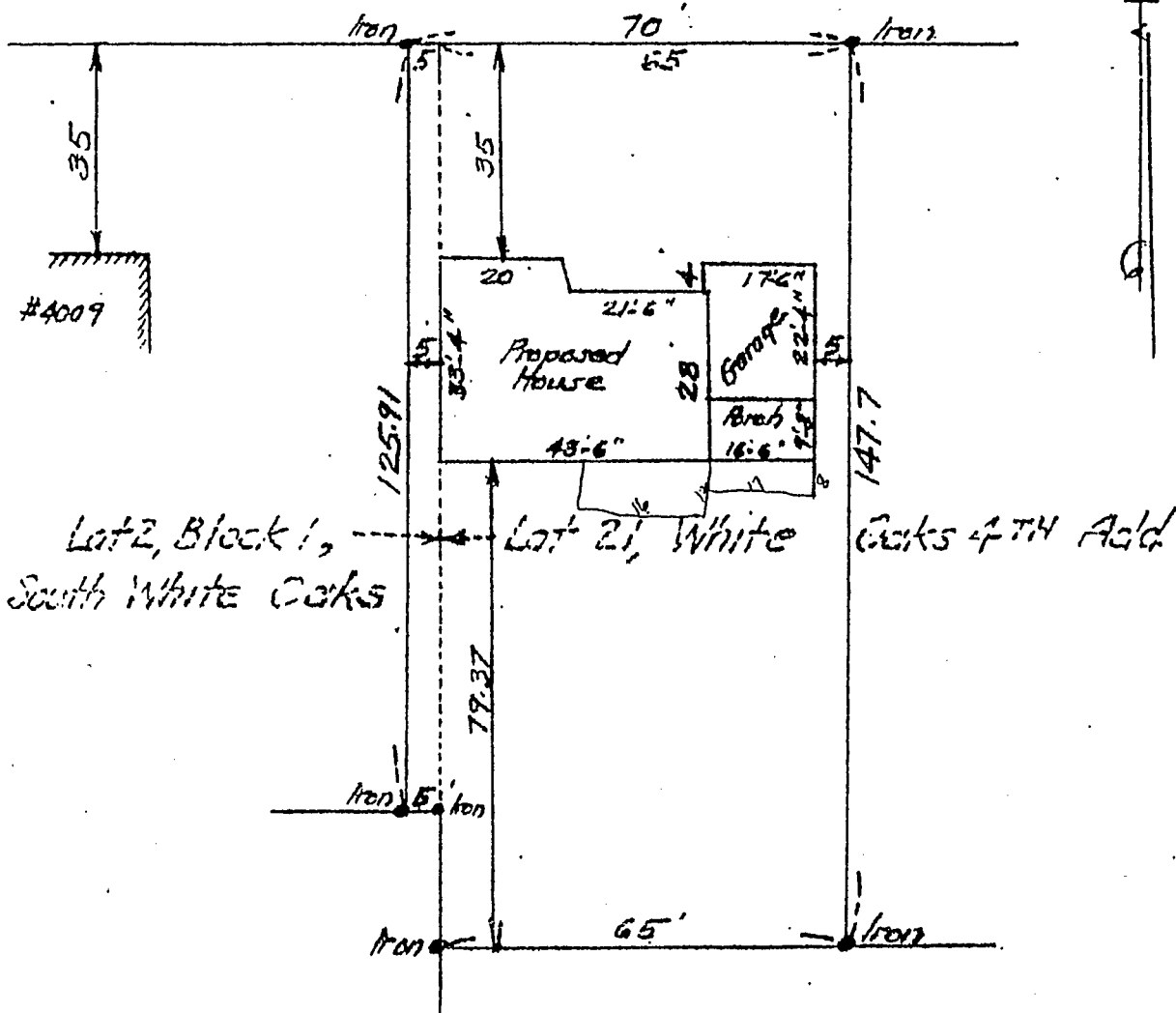
24. Note: Identification will be required from all parties required to sign documents at closing.

B. H. BRADLEY  
CIVIL ENGINEER AND SURVEYOR  
3829 - 24TH AVENUE SOUTH  
MINNEAPOLIS 8, MINN.

Survey for - Jos. E. Johnson  
5838 Portland Ave.

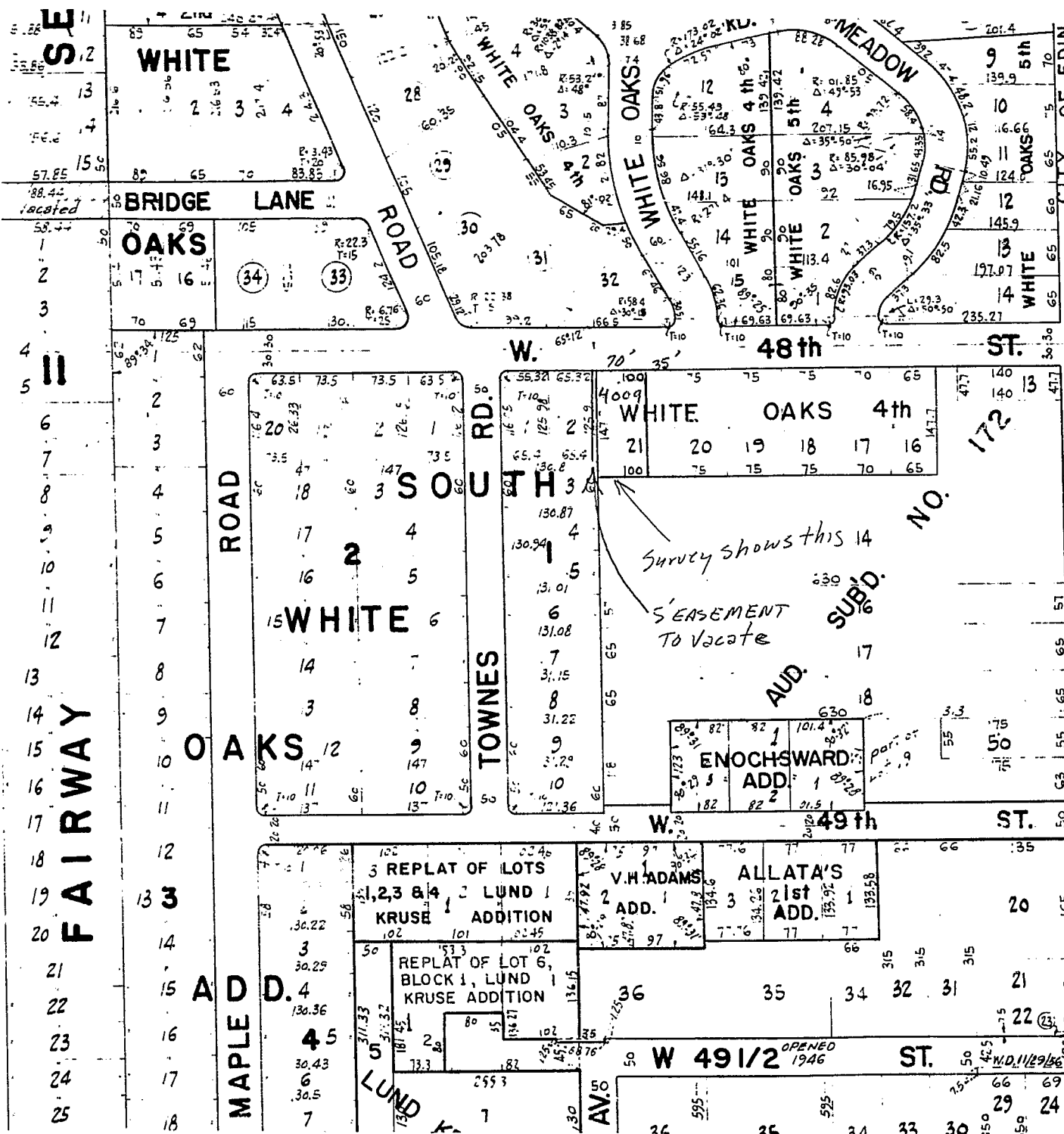
DREXEL 2162

4009 W. 48TH ST.



I hereby certify that this is a true and correct plat of a survey of Lot 21 except the East 35 feet thereof in White Oaks 4th Addition and the East 5 feet of Lot 2, Block 1, South White Oaks as surveyed by me the 3rd day of May 1950.

B. H. Bradley  
Surveyor.



CITY OF EDIN  
CITY OF MINNEAPOLIS  
2619.66 Res.  
HWY. NO. 121  
(STATE)  
FRANCE



CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input checked="" type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by <u>Ron Tombarge</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

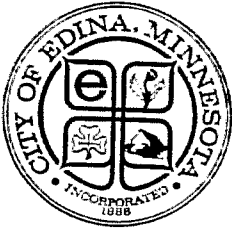
3-20-95

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


LOCATION: \_\_\_\_\_  
Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
\_\_\_\_\_  
(4009 West 48th Street)  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



## REPORT/RECOMMENDATION

<b>TO:</b>	Mayor & City Council	<b>Agenda Item #</b>	<u>III.A.</u>
<b>FROM:</b>	Francis Hoffman City Engineer 	<input type="checkbox"/> <b>Consent</b>	
		<b>Information Only</b>	<input type="checkbox"/>
		<b>Mgr. Recommends</b>	<input type="checkbox"/> <b>To HRA</b>
<b>DATE:</b>	20 March, 1995		<input checked="" type="checkbox"/> <b>To Council</b>
<b>SUBJECT:</b>	Vacation of Utility and Drainage Easement on Lot 2, Block 1, South Oaks Addition	<b>Action</b>	<input type="checkbox"/> <b>Motion</b>
			<input checked="" type="checkbox"/> <b>Resolution</b>
			<input type="checkbox"/> <b>Ordinance</b>
			<input type="checkbox"/> <b>Discussion</b>

### Recommendation:

Approve vacation of utility and drainage of east five feet of Lot 2, Block 1, South White Oaks Addition.

### Info/Background:

Petitioner requests that a five foot utility and drainage easement be vacated to eliminate the title problem of building encroaching on existing easement.

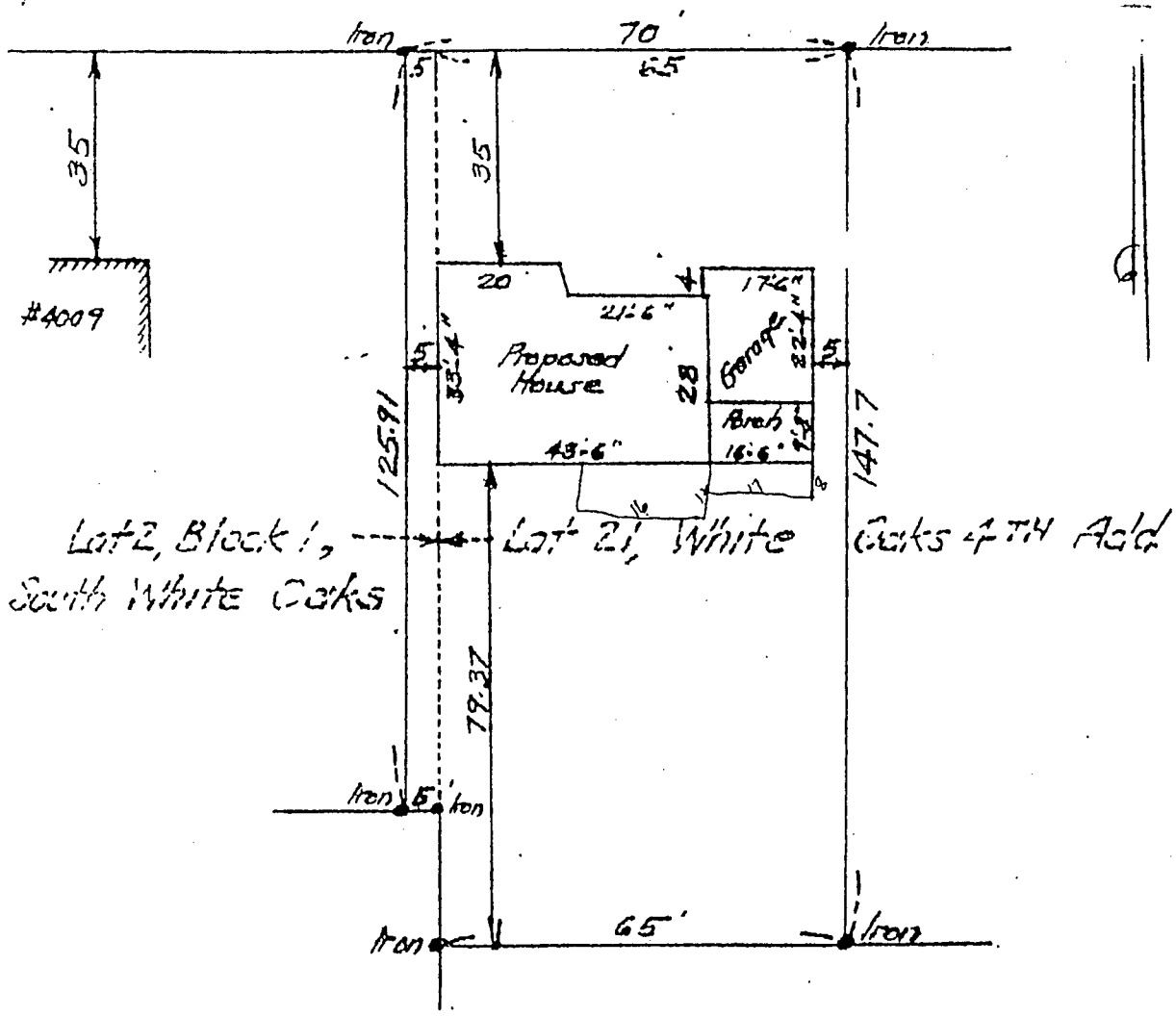
The request has been reviewed by staff and the utility companies. The recommendation is to grant the request to vacate the utility and drainage easement.

B. H. BRADLEY  
 CIVIL ENGINEER AND SURVEYOR  
 3829 - 24TH AVENUE SOUTH  
 MINNEAPOLIS 6, MINN.  
 DREXEL 2169

Survey for - Jos. E. Johnson  
 5838 Portland Ave.

3196

4009 W. 48TH ST.



I hereby certify that this is a true and correct plat of a survey of Lot 21 except the East 35 feet thereof in White Oaks 4th Addition and the East 5 feet of Lot 2, Block 1, South White Oaks as surveyed by me the 3rd day of May 1950.

B. H. Bradley  
 Surveyor.

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF POSTING NOTICE

I, the undersigned duly appointed and acting Police Officer for the City of Edina, County of Hennepin, State of Minnesota, do hereby certify that I have on this date posted copies of the attached notice of:

NOTICE OF PUBLIC HEARING - VACATION OF UTILITY AND DRAINAGE EASEMENT  
LOT 2, BLOCK 1, SOUTH WHITE OAKS ADDITION

at each of the official City bulletin boards, located at conspicuous places within the City as follows:

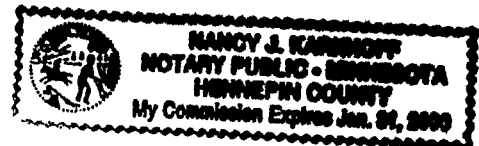
- 1) City Hall, 4801 West 50th Street
- 2) Municipal Liquor Store, 50th and France Business Area
- 3) Centennial Lakes Park Centrum, 7499 France Avenue South

Dated 3/3/95

Signed *Michael R. Cornin #207*

Signed and sworn to before me, a Notary Public  
in and for Hennepin County, Minnesota, this  
3rd day of March, 1995.

*Nancy J. Kaulberg*



**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

02/24/95



## AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Donald W. Thurlow, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Sun-Currents, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for two successive weeks; it was first published on Wednesday the 1 day of March, 1995, and was thereafter printed and published on every Wednesday to and including Wed, the 8 day of March, 1995; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: *Donald W. Thurlow*

TITLE: Publisher

Acknowledged before me on this

8 day of March, 1995.

Notary Public



### RATE INFORMATION

- |  |                         |
|--|-------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>1.90</u> per line |
| (2) Maximum rate allowed by law for the above matter                     | \$ <u>1.90</u> per line |
| (3) Rate actually charged for the above matter                           | \$ <u>1.02</u> per line |

### City of Edina

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424

### NOTICE OF PUBLIC HEARING ON VACATION OF UTILITY AND DRAINAGE EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL  
MARCELLA M. DAHN  
City Clerk

(March 1 & 8, 1995)-ED

(Official Publication)

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on March 1 and 8, 1995  
Send two Affidavits of Publication

(Official Publication)

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on March 1 and 8, 1995  
Send two Affidavits of Publication



**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 20, 1995, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following utility and drainage easement:

The east five feet of Lot 2, Block 1, SOUTH WHITE OAKS ADDITION,  
according to the recorded plat thereof, Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

02/24/95

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by *Frank J. Hoffman* ☒ Acceptable ☐ Opposed ☐ Conditional

MINNEGASCO by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

NSP by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

PARAGON CABLE by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

U.S. WEST by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
(4009 West 48th Street)  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by <u>2-27-95</u> <u>Steven Van Buren</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: \_\_\_\_\_ Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
\_\_\_\_\_  
\_\_\_\_\_ (4009 West 48th Street)  
\_\_\_\_\_

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EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

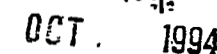
CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by <u>S. E. Fraser</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
(4009 West 48th Street)  
\_\_\_\_\_

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4801 W. 50th Street  
Edina, MN 55424



CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	<input type="checkbox"/>	Conditional	
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by <u>M. Kersse</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: Lot 2, Block 1, SOUTH WHITE OAKS ADDITION  
(4009 West 48th Street)  
\_\_\_\_\_

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424

*Also acceptable for 5100 Vernon Ave -*



## REPORT/RECOMMENDATION

<b>TO:</b> MAYOR RICHARDS AND COUNCIL MEMBERS	<b>Agenda Item #</b> <u>IV.G</u>
<b>FROM:</b> MARCELLA DAEHN, CLERK	<b>Consent</b> <input checked="" type="checkbox"/>
<b>DATE:</b> FEBRUARY 16, 1995	<b>Information Only</b> <input type="checkbox"/>
<b>SUBJECT:</b>	<b>Mgr. Recommends</b> <input type="checkbox"/> <b>To HRA</b>
	<input checked="" type="checkbox"/> <b>To Council</b>
	<b>Action</b> <input type="checkbox"/> <b>Motion</b>
	<input checked="" type="checkbox"/> <b>Resolution</b>
	<input type="checkbox"/> <b>Ordinance</b>
	<input type="checkbox"/> <b>Discussion</b>
<b>PETITION FOR VACATION OF UTILITY EASEMENT - LOT 2, BLOCK 1, SOUTH WHITE OAKS ADDITION</b>	

### Recommendation:

Adoption of a resolution setting March 20, 1995, as hearing date on the petition for vacation of a utility easement on Lot 2, Block 1, SOUTH WHITE OAKS ADDITION.

### Information/Background:

A petition has been received requesting vacation of a utility easement on Lot 2, Block 1, SOUTH WHITE OAKS ADDITION.

Staff would recommend that March 20, 1995, be set as hearing date to consider the petition. Copy of petition is attached.

1/1/74

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date March 3, 19 95, acting on behalf of said City I deposited in the United States mail copies of the attached NOTICE OF PUBLIC HEARING - VACATION OF UTILITY/DRAINAGE EASEMENT (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and seal of said City this 3rd day of March, 19 95.

*Manella M. Decker*  
Edina City Clerk



**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on March 20, 1995, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following utility and drainage easement:

The east five feet of Lot 2, Block 1, SOUTH WHITE OAKS ADDITION,  
according to the recorded plat thereof, Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

02/24/95



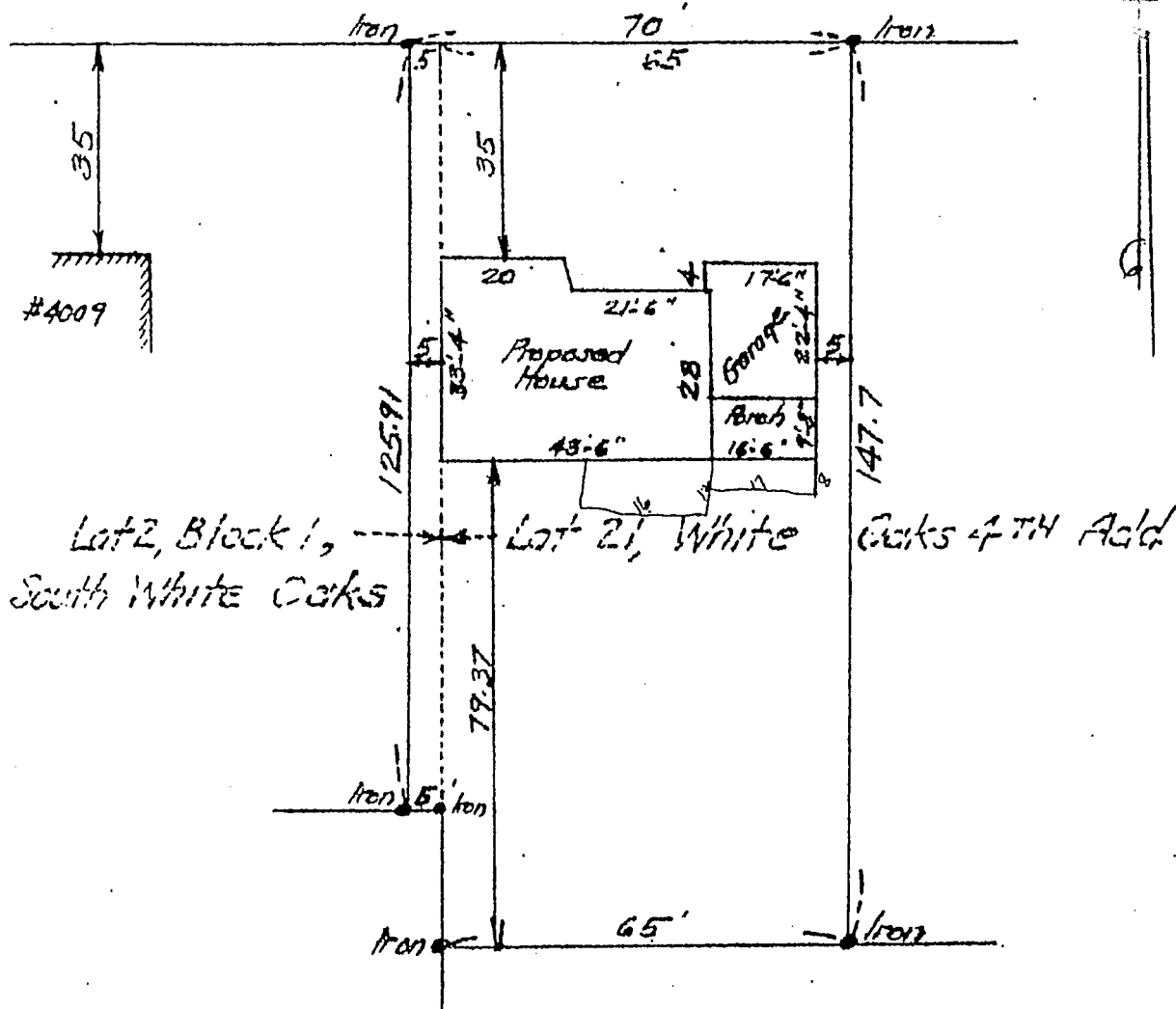
B. H. BRADLEY  
CIVIL ENGINEER AND SURVEYOR  
3829 - 24TH AVENUE SOUTH  
MINNEAPOLIS 6, MINN.

DREXEL 2169

Survey for - Jos. E. Johnson  
5838 Portland Ave.

3196

4009 W. 48TH ST.



I hereby certify that this is a true and correct plat of a survey of Lot 21 except the East 35 feet thereof in White Oaks 4th Addition and the East 5 feet of Lot 2, Block 1, South White Oaks as surveyed by me the 3rd day of May 1950.

B. H. Bradley  
Surveyor.

MAILING LIST - VACATION OF UTILITY AND DRAINAGE EASEMENT  
LOT 2, BLOCK 1, SOUTH WHITE OAKS ADDITION

18-028-24-14-0048

Manley Wilcox  
4801 Townes Road  
Edina MN 55424

18-028-24-14-0049

William H. Kaiser, Jr.  
4009 West 48th Street  
Edina MN 55424

Mailed to new address: 5912 Oaklawn Av (24)

18-028-24-14-0050

Sally Driscoll  
4809 Townes Road  
Edina MN 55424

18-028-24-14-0117

David Beeck  
Marilyn Jackson-Beeck  
4005 West 48th Street  
Edina MN 55424

18-028-24-14-0007

Frank & Julie Drake  
4812 France Avenue South  
Edina MN 55410

Steven Von Bargaen  
Minnegasco, Inc  
P.O. Box 1165  
Minneapolis MN 55440-1165

Mark Kerksen  
Paragon Cable  
10210 Crosstown Circle  
Eden Prairie MN 54434-3377

Stuart E. Fraser  
NSP Normandale Division  
5309 W. 70th Street  
Edina MN 55435

Steven Van Anman  
U.S. West Communications  
6244 Cedar Avenue So.  
Richfield MN 55423

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

PUBLIC RIGHT OF WAY VACATION APPLICATION

Date Initiated Feb. 1, 1995

TOTAL 100.00  
02/07/95

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way:

       Street        Alley        ☒ Utility Easement  
☒ Drainage Easement        Other     
(describe)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water?   

Legal description of area proposed to be vacated:

East 5 feet of Lot 2, Block 1, "South White Oaks Addition", according to the  
recorded plat thereof, Hennepin County, Minnesota.

\* ~~Lot 21, except the East 35 feet thereof, "White Oaks 4th Addition", according~~  
~~to the recorded plat thereof, Hennepin County, Minnesota.~~

Attached copy of **scaled drawing** showing in full detail the proposed vacation area.

Applicant William W. Kaiser  
(print name)

Signature William W. Kaiser

Address 4009 W. 48th St.

Telephone 920-8367

old  
New →

Fee: \$100.00

3800  
M.S. 412.851

\* Per telephone conversation with Georgia Kaiser on 2/7/95 only the east five feet of Lot 2, Block 1, "South White Oaks Addition" is to be vacated. (924-8758)

File No.: P 2450263

Amount: \$1,735.42

We require satisfaction or affidavit of non-identity in recordable form.

22. Possible encroachment of building onto 5 foot utility and drainage easement as created in Document Nos. 306245 and 306246.

(See Endorsement No. 1)

23. Easement for utility and drainage purposes over the easterly 5 feet and the easterly 5 feet of the westerly 10 feet as created in Document Nos. 306245 and 306246.

24. Note: Identification will be required from all parties required to sign documents at closing.

DREXEL 2169

4009 W. 48TH ST.

B. Hadley  
Surveyor.

#306246

246

3.02-50

Warranty Deed  
Individual to Joint Tenants

Form No. 5-M

Shirley Davis Co., Minneapolis  
Minnesota Uniform Conveyance Blanks (1933)

**This Subenture**, Made this 17th day of March, 1950,  
between Michael A. Davitt, unmarried,

of the County of Cayuga and State of Minnesota, part of  
of the first part, and William H. Kaiser and Kathryn H. Kaiser, his wife,  
and Stella of Minnesota, parties of the second part,

**Witnesseth**, that the said part of the first part, in consideration of the sum of one (\$1.00) dollar and other good and valuable considerations, ~~for and to~~  
to him, in bond paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Harvegin, Sell, and Convey unto the said parties of the second part as joint tenants and not as tenants in common, their assigns, the portion of said parties, and the heirs and assigns of the said part, Forever, all the tract or parcel of land lying and being in the County of Hennepin, and State of Minnesota, described as follows, to-wit:

Lot Twenty-one (21), except the East thirty-five (35) feet thereof, in  
Wright Oaks 4th. Addition, according to the plat thereof on file or of  
record in the office of the Register of Deeds in and for the said County  
of Hennepin and State of Minnesota, subject to special taxes or assessments, if any, now levied or due thereon but payable hereafter and this  
conveyance is subject to the following covenants and restrictions which  
shall run with the land and be binding upon and inure to the benefit of  
the parties hereto, their heirs, administrators, executors, and assigns,  
until January 1st, 1980, at which time said restrictions shall terminate.  
Invalidation of any one of these restrictions by court order or action in  
equity shall not affect any of the other restrictions which shall remain  
in full force and effect:

1. When improved, the property herein conveyed shall be improved only by the erection of one single family residence structure with garage, if any, attached to and integrated with the architecture of such residence which structure shall cost not less than \$11,500.00.
2. Before the premises are so improved, the plans for such improvements, construction, and landscaping shall be submitted to and approved by J. Frank Ecklund and Katherine T. Ecklund, grantors of the party of the first part herein:
3. Said premises shall be used for residential purposes only and no noxious or offensive trade or industry shall be carried on thereon.
4. The above described premises shall not be sold, mortgaged, or leased to, nor occupied by any person other than of the Caucasian race.
5. No animals or fowl shall be kept upon said premises except that there may be two dogs and two cats and ornamental birds in cages.
6. Any building commenced upon said premises shall be completed on the outside within one (1) year from the commencement of construction.
7. A five (5) foot strip measured in from the outer boundaries of the premises hereby conveyed is subject to perpetual easement for the benefit of any public utility for the installation or maintenance of equipment; and if said premises are subdivided, a strip five (5) feet measured in from all boundaries of each subdivision is likewise subject to a perpetual easement for the benefit of any public utility for the installation or maintenance of equipment.



Warranty Deed, Except Assurances,  
Individual to Individual.

Form No. 2-M.

Miller-Baile Co., Minneapolis, Minn.  
Minnesota Uniform Conveyancing Blanks (1937).

# 245

# 306.245

3-22-50

**This Indenture**, made this 26th day of January, 1950,  
between J. Frank Ecklund and Catherine T. Ecklund, husband and wife,

of the County of Hennepin and State of Minnesota,  
parties of the first part, and Michael A. Davitt,  
of the County of Hennepin and State of Minnesota,  
parties of the second part,

Witnesseth, That the said parties of the first part, in consideration of the sum of One Dollar and other good and valuable consideration — \$1.00 — DOLLARS, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said party of the second part, his heirs and assigns, Forever, all the tract or parcel of land lying and being in the County of Hennepin and State of Minnesota, described as follows, to-wit:

Lots 20 and 21 and West 25 feet of Lot 19, all in "White Onks Lth Addition", according to the recorded plat thereof.

This conveyance is subject to the following covenants and restrictions which shall run with the land and be binding upon and inure to the benefit of the parties hereto, their heirs, administrators, executors, and assigns, until January 1st, 1980, at which time said restrictions shall terminate. Invalidation of any one of these restrictions by court order or action in equity shall not affect any of the other restrictions which shall remain in full force and effect:

1. When improved, the property herein conveyed shall be improved only by the erection of not more than three single family residence structures with garages, if any, attached to and integrated with the architecture of such residences which structures shall cost not less than \$11,500.00 each.
2. Before the premises are so improved, the plans for such improvements construction and landscaping shall be submitted to and approved by the parties of the first part herein.
3. The said premises shall not be subdivided into more than three tracts and shall not be subdivided so as to give less than 50 feet of frontage on a street for each tract upon which a residence structure is located.
4. Said premises shall be used for residential purposes only and no noxious or offensive trade or industry shall be carried on thereon.
5. The above described premises shall not be sold, mortgaged, or leased to, nor occupied by any person other than of the German-Lithuan race.
6. No animals or fowl shall be kept upon said premises except that there may be two dogs and two cats and one mental bird in cages.
7. Any building commenced upon said premises shall be completed on the outside within one (1) year from the commencement of construction.
8. A five (5) foot strip measured in from the outer boundaries of the premises hereby conveyed is subject to perpetual easement for the benefit of any public utility for the installation or maintenance of equipment; and if said premises are subdivided, a strip 5 feet measured in from all boundaries of such subdivision is likewise subject to perpetual easement for the benefit of any public utility for the installation or maintenance of equipment.



4101	4801	4809	4813	4817	4821	4825	4829
63.5 116.12	55.32 65.32	55.32 65.32	55.32 65.32	55.32 65.32	55.32 65.32	55.32 65.32	55.32 65.32
1 (50)	2 (48)	3 (50)	4 (51)	5 (52)	6 (53)	7 (54)	8 (55)
4808	4809	4813	4817	4821	4825	4829	
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
3 (60)	4 (51)	5 (52)	6 (53)	7 (54)	8 (55)	9 (56)	10 (57)
4812	4813	4817	4821	4825	4829		
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
4 (61)	5 (62)	6 (63)	7 (64)	8 (65)	9 (66)	10 (67)	11 (68)
4816	4820	4824	4828				
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
5 (62)	6 (63)	7 (64)	8 (65)	9 (66)	10 (67)	11 (68)	12 (69)
4824	4828						
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
6 (63)	7 (64)	8 (65)	9 (66)	10 (67)	11 (68)	12 (69)	13 (70)
4828							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
7 (64)	8 (65)	9 (66)	10 (67)	11 (68)	12 (69)	13 (70)	14 (71)
4832							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
8 (65)	9 (66)	10 (67)	11 (68)	12 (69)	13 (70)	14 (71)	15 (72)
4836							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
9 (66)	10 (67)	11 (68)	12 (69)	13 (70)	14 (71)	15 (72)	16 (73)
4840							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
10 (67)	11 (68)	12 (69)	13 (70)	14 (71)	15 (72)	16 (73)	17 (74)
4844							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
11 (68)	12 (69)	13 (70)	14 (71)	15 (72)	16 (73)	17 (74)	18 (75)
4848							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
12 (69)	13 (70)	14 (71)	15 (72)	16 (73)	17 (74)	18 (75)	19 (76)
4852							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
13 (70)	14 (71)	15 (72)	16 (73)	17 (74)	18 (75)	19 (76)	20 (77)
4856							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
14 (71)	15 (72)	16 (73)	17 (74)	18 (75)	19 (76)	20 (77)	21 (78)
4860							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
15 (72)	16 (73)	17 (74)	18 (75)	19 (76)	20 (77)	21 (78)	22 (79)
4864							
147	130.87	130.87	130.87	130.87	130.87	130.87	130.87
16 (73)	17 (74)	18 (75)	19 (76)	20 (77)	21 (78)	22 (79)	23 (80)
4868</							

To Fran  
Date 8:25 Time 3/6/95 ☐ AM ☒ PM

WHILE YOU WERE OUT

M Bentley Street  
of 4801 Down Rd.

Phone ( ) 922 8095  
Area Code Number Extension

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL ☐

Message

Re: Easement  
Vacation  
Notice

Joyce took call + informed  
him this proposed vacation  
was to clear up the title  
to the property

Operator

Wilcox was the one who originally  
conveyed the  
5 foot strip to subject property



Green Cycle  
RECYCLED PAPER